IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4626 of 2005

Between:

M. Kalyani, W/o. Achaiah,
C/o. C. Kothapalli village Chapala Madugu Post, Pullalacheruvu Mandal,
Prakasam District.

..... PETITIONER

AND

1 The District Collector, Prakasam District, Ongole.
2 The Joint Collector, Prakasam District, Ongole.
3 The Revenue Divisional Officer, Markapur, Prakasam District.
4 The Mandal Revenue Officer, Pullalacheruvu Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more one in the nature of WRIT OF MANDAMUS declaring the action of the 1st respondent in not passing any orders on the Stay petition filed by the petitioner along with Revision Petition dt. 28-2-05 questioning the orders of the 2nd respondent issued in D. Dis(Cs.2)/4617/2004 dt. 17-2-2005 in confirming the orders of the 3rd respondent in D.Dis.H/1127/2004 dt. 9-10-2004 as illegal, arbitrary violative of principles of Natural Justice and consequently, suspend the operation of the proceedings of the 2nd respondent issued D. Dis(Cs.2)/4617/2004 dt. 17-2-2005 in confirming the orders of the 3rd respondent in D.Dis.H/1127/2004 dt. 9-10-2004 and permit the petitioner to continue as Fair Price Shop Dealer of C. Kothapalli Village, Pullalacheruvu Mandal, Prakasam District during the pendency of the Revision filed by the petitioner pending before the 1st respondent dt. 28-2-2005 and pass such other order or orders as deem fit and proper.

Counsel for the Petitioner: MR.M.BRAHMA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Heard the learned counsel for the petitioner. Perused the material placed before me.

The only grievance of the petitioner is that the Revisional authority, under the Control Order, 2001, i.e. the District Collector-first respondent herein, has not passed any orders on the application made by the petitioner seeking stay of the order of the 2nd respondent-Joint Collector, who confirmed the orders passed by the 3rd respondent-R.D.O. cancelling the very authorisation of the petitioner, as a fair price shop dealer.

It appears that the 3rd respondent cancelled the authorisation of the petitioner, against which an appeal had been preferred before the 2nd respondent, which, eventually, was remanded to the 3rd respondent for fresh consideration. Again the 3rd respondent passed the same order of cancellation, which was passed earlier. Against which, the petitioner, in another round of litigation, preferred an appeal before the second respondent and obtained interim order. However, finally the appellate authority i.e. second respondent herein confirmed the order of the third respondent. Aggrieved by the same, the petitioner preferred revision before the District Collector i.e. first respondent herein, along with an application seeking interim stay of the order of the Joint Collector. But the Revisional authority has not considered the stay application preferred by the petitioner.

It is the further grievance of the petitioner that all through, i.e. from July 2004, despite cancellation of his authorisation as fair price shop dealer, by virtue of the interim orders granted in his favour by the authorities concerned, from time to time, he has been continuing as an authorized fair price shop dealer. Now, only because of the inaction of the Revisional authority i.e. the District Collector, in not considering his stay application by passing orders either way, he is deprived of his authorisation as such.

Heard the learned Government pleader for Civil Supplies.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, at the stage of admission itself, with a direction to first respondent to dispose of the stay application filed by the petitioner seeking interim stay of the order of the Joint Collector dated 17.2.2005, pending revision, as expeditiously as possible, preferably within two weeks from the date of receipt of a copy of this order. Till such time, *status-quo* obtaining as on today shall be maintained. No costs.

10-03-2005

Note:

Operative portion of the

Order may be given on wire

at party's cost.

B/O

KVSN

To

1 The District Collector, Prakasam District, Ongole.
2 The Joint Collector, Prakasam District, Ongole.
3 The Revenue Divisional Officer, Markapur, Prakasam District.
4 The Mandal Revenue Officer, Pullalacheruvu Mandal, Prakasam District.

5 Two CCs to GP for Civil Supplies, High Court buildings, Hyderabad.

6 Two CD copies.